

PROSKAUER ROSE LLP

One International Place
14th Floor
Boston, MA 02110-2600
Telephone 617.526.9600
Fax 617.526.9899

NEW YORK
LOS ANGELES
WASHINGTON
BOCA RATON
NEWARK
NEW ORLEANS
PARIS

Mark W. Batten

Direct Dial 617.526.9850
mbatten@proskauer.com

October 20, 2004

Hon. Marianne B. Bowler
Chief U.S. Magistrate Judge
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: MassTech Communications, Inc. v. Curran, et al., 04 CV 10604 NG

Dear Judge Bowler:

At the suggestion of your Courtroom Clerk, I am writing to notify the Court that the parties in the above-captioned matter have reached a conditional agreement in principle to settle the case. The settlement agreement, which the defendants have signed and which I anticipate will shortly be signed on behalf of the plaintiff, requires certain documents to be reviewed before the settlement can be finalized, and the satisfactory state of those documents is a condition of the settlement.

The tentative settlement will also require entry of a permanent injunction, rather than a dismissal, on terms that the parties will present to the Court in an agreement for judgment once the document review is complete. Under the terms of the agreement the defendants are to deliver the documents to us within ten days, and we then have thirty days to review them, with some additional procedures possible within the ten days following that review.

I cannot yet say that the parties will have no need of assistance from the Court in seeing this case through to its conclusion; if there are difficulties in obtaining the documents or in dealing with the consequences of that review, we may have to raise the matter with the Court, but at this point I am hopeful that the matter will be fully and finally resolved within the next two to three weeks.

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On behalf of both parties, I appreciate the Court's willingness to postpone the scheduled status conferences so that the parties could pursue settlement negotiations.

Very truly yours,

/s/Mark W. Batten

Mark W. Batten

cc: Gary Lee, Esq.